GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri C.Krishna Reddy S/o Chengal Reddy, Attender, TTD, Chittoor District against the proceedings No.D.Dis. C3/6837/2008, dt.21.06.2010 of the District Collector, Chittoor under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.Ms.No.56 **Dated: 04.05.2018**
Read the following:

1. Proceedings of the District Collector, Chittoor, No.D.Dis.C3/6837/2008, dt.21.06.2010.
2. Appeal petition filed by Sri C. Krishan Reddy S/o Chengal Reddy, Attender, TTD, Chittoor, District, before the M(TW&RIAD) on 17.07.2010.
3. Govt. Memo.No.5361/CV2/2010, SW(CV2) Dept, dt.28.07.2010.
4. From the Dist. Collector, Chittoor, Lr.No.Roc.C3/13228/2010, dt.25.10.2010.
5. Govt. Memo.No.5361/CV2/2010, SW(CV2) Dept., dt:04.06.2011, 17.06.2011, 02.07.2011, 18.08.2011, 28.04.2012, 05.08.2015, 02.12.2016 & 12.01.2017 & 29.05.2017.
6. Letter received from the Appellant dated 16.06.2017.

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ORDER:

In the reference 1st read above, the District Collector, Chittoor has issued orders cancelling ST-Konda Kapu caste certificate obtained from the then Tahasildar, Chandragiri in the year 1984 by Sri C.Krishna Reddy S/o Chengal Reddy.

2. In the reference 2nd read above, Sri C.Krishna Reddy S/o Chengal Reddy, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Chittoor. After examining the said Appeal Petition, Government have admitted the Appeal Petition and granted stay on the proceedings of the District Collector, Chittoor and called for the parawise remarks and connected records from the District Collector, Chittoor in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Chittoor has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri C.Krishna Reddy S/o Chengal Reddy.

4. The said Appeal Petition has been posted for hearing on 18.06.2011, 12.07.2011, 26.08.2011, 10.05.2012, 22.08.2015, 24.12.2016, 24.01.2017 & finally on 17.06.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 5th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. In the reference 6th read above, the appellant has filed petition for not attending the hearing scheduled on 17.06.2017, but the said request was not accepted by the Appellate Authority as it was a long pending case.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Chittoor and proceedings of the District Collector, Chittoor, dated 21.06.2010 the Appellate Authority is observed that :

I. The appellant in his grounds has stated that the appellant's forefather was originally hails from Agency Area in East Godavari District and they belong to ST-Konda Kapu caste and migrated from East Godavari District to Chittoor in order to eke out their livelihood, thereafter they settled in the Chandragirivari palle village of Pakala Mandal and accustomed to the local area. Further he has stated that in the school records starting from 1967,

[P.T.O]

the caste of the appellant is shown as Konda Kapu community, but the DLSC has refused to consider the said school records and enquiry of the DLSC is in violation of the principle .

II. The District Level Scrutiny Committee has observed that the appellant Sri C.Krishna Reddy is native of Chandragirivaripalle village of Pakala Mandal and he is having relatives in that village and finally the DLSC has reported that, he managed to get false record sheet as ST-Konda Kapu and it is clearly revealed that there are no Konda Kapu caste people in the village. Moreover there are no Konda Kapu Caste people at their native place Chandragirivaripalle village of Pakala Mandal. All relatives of the appellant are Kapu community and the people in that village has reported that the individual belongs to Kapu caste, but not Konda Kapu. The appellant has stated that, he does not know the name of the village and Mandal from where his famil have migrated. He does not have any documentary evidence to prove that, their family members have migrated from East Godavari District. Their relatives are Kapu community in that village. Before the DLSC, the appellant has not produced any documentary evidence to establish his caste as ST-Konda Kapu except producing a Xerox copy of the school record sheet issued by the Municipal Elementary School, Mittor of Chittoor District and the school record generated based on the false declaration given by the parents, hence it can't be given any weightage .Based on the findings of DLSC, the District Collector, has cancelled the appellant ST -Kondakapu Caste Certificate.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority is observed that during the course of hearing of the case that the appellant submitted his arguments as per his grounds in appeal petition and stated that the lower authority failed to observe that his father and grandfather belongs to Konda Kapu community which was identified as Schedule Tribe and his grandfather hails from agency area of East Godavari District as such he also belongs to ST Konda Kapu. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and he failed to produce any evidence to prove that his father and grandfather belongs to ST Community. It is further brought to the notice that the certificate earlier issued to the individual in a routine manner and the same was cancelled after conducting detailed and thorough enquiry into the caste status of the individual. As per the rule (6) of Act 16/1993 the burden of proof lies on appellant, thus it is the responsibility of the appellant to produce necessary evidence and documents to establish his community claim as ST-Konda Kapu. In the instant case, the appellant except relaying the evidence filed before the lower authority failed to produce any additional material more particularly the evidence of his father and grandfather caste for re-appreciation of the case on hand. As seen from the record the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference. The Appellant failed to produce any evidence even though lot of opportunity was given to him even by the Government. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the learned District Collector, Chittoor District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference.

[Contd..on P.3]

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri C.Krishna Reddy S/o Chengal Reddy, does not deserve any interference. Hence, Proceedings of the District Collector, Chittoor issued vide D.Dis.C3/6837/2008, dt.21.06.2010, is hereby upheld and the Appeal Petition filed by Sri C.Krishna Reddy S/o Chengal Reddy, is hereby dismissed and the Certificate issued by the then Tahasildar, Chandragiri deemed to be cancelled.

7. The District Collector, Chittoor is directed to take necessary consequential action in the matter.

8. The records (containing D.Dis.C3/6837/2008, pages: CF: 1-154) received from the District Collector, Chittoor through in the reference 4th read above, are returned herewith in original to the District Collector, Chittoor and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Chittoor. (BY RPAD)
(with original records).

The MRO, Pakala.

Sri C. Krishna Reddy S/o Chengal Reddy, attender, TTD,
R/o 18-1-724/B, Bhavani Nagar, Tirupathi Chittoor District.

Sri B.V. Krishna Rao, Advocate,
Padma colony, Nallakunta, Hyderabad.

The Executive Officer,
TTD, Tirupati,Chittoor District
Copy to :
The Director, TCR& TI, AP, Vijayawada
The PS to M(SWE& TWE).
The PS to Principal Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER